

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND**

HARMEET BAWA,

*

Appellant,

*

v.

*

Civil Action No. 22-cv-00229-PX

REBECCA A. HERR,

*

Appellee.

ORDER

On January 27, 2022, Harmeet Bawa noted this appeal from the United States Bankruptcy Court for the District of Maryland. ECF No. 1. On February 2, 2022, Bawa designated the entire record for her appeal. ECF No. 4. On March 17, 2022, the Court struck Bawa's designation of the record and instructed her to designate the record with only those entries relevant to her appeal. *Id.* Bawa then refiled her designation of the record on March 31, 2022. On April 14, 2022, Bawa filed a "motion to cancel appeal." ECF No. 7. Further, Bawa's opening brief on the appeal was due May 9, 2022, and she has failed to file her brief. Accordingly, the Court construes Bawa's motion as a motion to dismissal her appeal pursuant to Federal Rule of Bankruptcy Procedure 8023. *See* Fed. R. Bankr. P. 8023.

Rule 8023 of the Federal Rules of Bankruptcy Procedure mandates dismissal "if the parties file a signed dismissal agreement specifying how costs are to be paid and pay any fees that are due." Fed. R. Bankr. P. 8023. Bawa's request for dismissal does not specify how costs will be paid. However, Rule 8023 further permits voluntary dismissal upon "appellant's motion on terms agreed to by the parties or fixed by the district court." Fed. R. Bankr. P. 8023. "When the parties do not agree on terms, dismissal is discretionary with the court." *In re Nat'l Energy & Gas Transmission, Inc.*, No. DKC 08-3497, 2009 WL 2229784, at *3 (D. Md. July 22, 2009)

(quoting *Albers v. Eli Lilly & Co.*, 354 F.3d 644, 646 (7th Cir. 2004)). “An appellant’s motion to voluntarily dismiss its own appeal is generally granted.” *HCA Health Servs. of Va. v. Metro Life Ins. Co.*, 957 F.2d 120, 123 (4th Cir. 1991).

No party has given the Court any reason to deny the motion to dismiss the appeal, nor can the Court discern one. Briefing has yet to occur, and the Appellee has not yet filed anything in this case. Accordingly, it is this 13th day of May 2022, by the United States District Court for the District of Maryland, ORDERED that:

1. Appellant Harmeet Bawa’s Motion to Cancel Appeal (ECF No. 7) is GRANTED;
and
2. The Clerk shall MAIL a copy of this Order to Bawa and TRASMIT it to counsel
for Appellee; and
3. CLOSE this case.

05/13/2022

Date

/S/

Paula Xinis

United States District Judge